



PUBLIC NOTICE

Federal Communications Commission
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DA 11-1481
Released: August 31, 2011

**APPLICATION FILED FOR THE ACQUISITION OF ASSETS OF
CORDIA COMMUNICATIONS CORP. AS DEBTOR IN POSSESSION, MY TEL CO, INC. AS
DEBTOR IN POSSESSION, AND NORTHSTAR TELECOM, INC. AS DEBTOR IN
POSSESSION BY BIRCH COMMUNICATIONS, INC. AND BIRCH TELECOM, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 11-114

Comments Due: September 14, 2011

Reply Comments Due: September 21, 2011

On July 1, 2011, Birch Communications, Inc. (BCI), Birch Telecom, Inc. (Birch Telecom) (together, Birch), Cordia Communications Corp. as Debtor in Possession (Cordia), My Tel Co, Inc. as Debtor in Possession (My Tel Co), and Northstar Telecom, Inc. as Debtor in Possession (Northstar) (together with Birch, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer certain Cordia, My Tel Co, and Northstar assets to Birch.¹

Cordia, a Nevada corporation, offers competitive local exchange carrier (LEC) and interexchange services in 28 states.² My Tel Co, a New York corporation that is an affiliate of Cordia, offers competitive LEC and interexchange services in 10 states.³ Northstar, a Nebraska corporation that is also an affiliate of Cordia, offers competitive LEC and interexchange services in 13 states.⁴ Birch Telecom, a Delaware corporation, is a wholly owned subsidiary of BCI, a Georgia corporation. Birch Communications Holdings, Inc. (Birch Holdings) owns a 100 percent equity and voting interest in BCI. Applicants state that Holcombe Green, a U.S. citizen, holds a 66 percent equity and voting interest, and R. Kirby Godsey, a U.S. citizen, holds a 32 percent equity and voting interest in Birch Holdings. Applicants

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with international authorizations. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed supplements to their domestic section 214 application on July 21 and August 2, 2011.

² Cordia provides service in Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Virginia, Washington, and Wisconsin.

³ My Tel Co provides service in Arizona, Idaho, Iowa, Maryland, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, and Washington.

⁴ Northstar offer service in Iowa, Massachusetts, Minnesota, Nebraska, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Washington, and Wisconsin.

further state that these individuals do not hold any interests in other telecommunications entities. Birch and its wholly owned U.S. based subsidiaries offer or are certificated to offer competitive LEC and interexchange services in 38 states.⁵

Pursuant to the Asset Purchase Agreement approved by the United States Bankruptcy Court for the Middle District of Florida,⁶ BCI will purchase assets, including customer accounts and customer contracts, from Cordia, My Tel Co, and Northstar for multiple states.⁷ Applicants state that the assets to be purchased do not include the Commission authorizations held by the three companies. Applicants assert that proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.⁸

Domestic Section 214 Application Filed for the Acquisition of Assets of Cordia Communications Corp. as Debtor in Possession, My Tel Co, Inc. as Debtor in Possession, and Northstar Telecom, Inc. as Debtor in Possession by Birch Communications, Inc. and Birch Telecom, Inc., WC Docket No. 11-114 (filed July 1, 2011).

GENERAL INFORMATION

The transfer of assets identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before September 14, 2011**, and reply comments **on or before September 21, 2011**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁹ Comments should be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

⁵ The states are: Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Jersey, New Mexico, New York, North Carolina, North Dakota, Nebraska, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, Wisconsin, and Wyoming.

⁶ *Cordia Communications Corp., et al.*, Order Authorizing and Approving (1) Asset Purchase Agreement, (2) Sale of Competitive Local Exchange Carrier ("CLEC") Assets Free and Clear of Liens, Claims and Encumbrances to Birch Communications, Inc. and (3) Certain Related Relief, Case No 6:11-bk-06493 through 6:11-bk-06497 (Bankr. M.D. Fla., July 14, 2011).

⁷ Applicants state that Birch will acquire the customers of Cordia, My Tel Co, and Northstar in the following states: Colorado, Florida, Georgia, Indiana, Iowa, Illinois, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Texas, Virginia, Washington, and Wisconsin.

⁸ 47 C.F.R. § 63.03(b)(2)(i).

⁹ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

In addition, e-mail one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpiweb.com; phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: (202) 488-5300; fax: (202) 488-5563; e-mail: fcc@bcpiweb.com; url: www.bcpiweb.com.

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For further information, please contact Tracey Wilson at (202) 418-1394 or Jodie May at (202) 418-0913.

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